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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,572	02/04/2005	Markku Kyytsonen	BERGPAT-7	5127
36528	7590	03/09/2007		
STIENNON & STIENNON 612 W. MAIN ST., SUITE 201 P.O. BOX 1667 MADISON, WI 53701-1667			EXAMINER NGUYEN, JIMMY T	
			ART UNIT	PAPER NUMBER
			3725	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/516,572

**Applicant(s)**

KYYTSONEN, MARKKU

**Examiner**

Jimmy T. Nguyen

**Art Unit**

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-21 is/are pending in the application.
- 4a) Of the above claim(s) 18-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-17 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/20/06&2/4/05&12/2/04 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.



## DETAILED ACTION

### *Response to Amendment*

The amendment filed on December 20, 2006 has been entered and considered and an action on the merits follows.

### *Drawings*

The proposed drawing correction filed on December 20, 2006 has been acknowledged and approved. The drawing correction sufficiently overcomes the drawing objections noted in the previous Office action. However, after further consideration, the drawings are further objected for the following reasons:

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the drawing of "**a loading element outside said roll**" (claim 13, lines 2-3), and "**the loading element is a roll**" (claim 14, lines 1-2) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the



drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

#### **The disclosure is objected to because of the following informalities:**

In the abstract, line 8, the word "nip" appears to be a typographic error and it should be changed to -- nips (emphasis added) -- as to more than one nip are closed by moving the last roll towards the intermediate rolls.

In paragraph 24, line 6, the words "The said outermost" is confusing and it appears to be a typographic error, it is suggested that the word "said" be deleted.

In paragraph 29, line 8, numeral reference "43" should be changed to -- 42 -- as to the roll (42) is a heated smooth surfaced chill roll (see fig. 3A) and the roll (43) is a polymer-coated elastic roll (see para. 29, line 7).

In paragraph 29, line 10, the word "example 1" should be changed to -- Figure 1 -- as to there is no such "example 1" in the specification and "Figure 1" is the one that shown the loading arms.

In paragraph 29, line 12, the words "the said rolls" is confusing and it appears to be a typographic error, it is suggested that the word "said" be deleted.



In paragraph 29, line 13, the word "Example 1" should be changed to "Figure 1" as to there is no such "Example 1" in the specification and "Figure 1" is the one that shown the loading devices.

Appropriate correction is required.

**The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 C.F.R. 1.75(d) and MPEP 608.01(o).** Correction of the following is required: "the first, the second, and third intermediate rolls lacking internal devices for loading and moving the rolls shell" (see claim 9, lines 7-8 and claim 21, lines 19-20).

#### *Claim Objections*

**Claims 9 and 21 are objected to because of the following informalities:**

Regarding claim 9, line 7, the word -- the -- should be added between the words "and" and "third" in order to correct typographic error.

Regarding claim 21, line 19, the word -- the -- should be added between the words "and" and "third" in order to correct typographic error.

Appropriate correction is required.

#### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.



Claim 21 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding the last three lines, with the rolls arrangement as claimed in lines 6-23, it is unclear how the roll nips between the last roll and the first intermediate roll can be closed by "moving the casing of the last roll with its internal loading device in the direction towards the first intermediate roll" when the second intermediate roll, which is positioned between the first intermediate roll and the last roll and the second intermediate roll is rigidly mounted to the frame. It appears that the Applicant is meant to claim "the roll nips between the last roll and the [first] third intermediate roll are closed by moving ... (emphasis added)" as to the third intermediate roll is positioned before the second intermediate roll; thereby, enabling the closing of the nips by moving the casing of the last roll with its internal loading device in the direction towards the first intermediate roll. Clarification is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9-17 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.



Regarding claim 9, line 5, the recitation "and roll last roll" is confusing and it appears to be a typo error. It is suggested that this recitation be changed to -- and the last roll --.

Regarding claim 9, line 6, the recitation "and roll last roll" is confusing and it appears to be a typo error. It is suggested that this recitation be changed to -- and the last roll --.

Regarding claim 9, line 8, there is insufficient antecedent basis for the limitation "the rolls shell" in the claim.

Regarding claim 9, line 21, there is insufficient antecedent basis for the limitation "the direction" in the claim.

Regarding claim 9, line 25, there is insufficient antecedent basis for the limitation "the direction" in the claim.

Regarding claim 10, line 2, the limitation "each additional intermediate roll" is unclear because it is not clear whether this additional intermediate roll is referring to one of the additional intermediate rolls as claimed in lines 1-2 or to an additional intermediate roll that is different from the additional intermediate rolls as claimed in lines 1-2. Clarification is required.

Regarding claim 10, line 3, the limitation "each additional intermediate roll" is unclear because it is not clear whether this additional intermediate roll is referring to one of the additional intermediate rolls as claimed in lines 1-2 or to an additional intermediate roll that is different from the additional intermediate rolls as claimed in lines 1-2. Clarification is required.

Regarding claim 11, lines 1-2, with regard to the limitation "said each additional intermediate roll", if the Applicant made the correction to the recitation "each additional intermediate roll" (i.e. changing the language of this recitation) as set forth in claim 10, then Applicant is required to correct this limitation in order avoid indefiniteness.



Regarding claim 12, line 5, there is insufficient antecedent basis for the limitation “the roll nips of the second intermediate rolls (emphasis added)” in the claim as to there is only one second intermediate roll is claimed in the preceding claims.

Regarding claim 12, line 9, with regard to the limitation “the roll nips of the second intermediate rolls”, if the Applicant made the correction to the recitation “the roll nips of the second intermediate rolls” (i.e. changing the language of this recitation) as set forth in line 5 of this claim, then Applicant is required to correct this limitation in order avoid indefiniteness.

Regarding claim 17, lines 1-2, the limitation “each shoe roll” is unclear because it is not clear whether this shoe roll is referring to one of the shoe rolls as claimed in claim 16 or to a different shoe roll. Clarification is required.

Regarding claim 21, line 8, there is insufficient antecedent basis for the limitation “the first intermediate roll” in the claim.

Regarding claim 21, line 14, the limitation “a first intermediate roll” lacks clear antecedent basis because it is unclear whether this first intermediate roll is referring to the first intermediate roll as claimed in line 8 or to a different first intermediate roll. Clarification is required.

Regarding claim 21, line 20, there is insufficient antecedent basis for the limitation “the rolls shell” in the claim.

Regarding claim 21, lines 21-23, the limitation “the ... second intermediate rolls are mounted for vertical motion on the frame” is indefinite because it contradicts the claimed subject matter as claimed in lines 20-21, which calls for the second intermediate roll is rigidly mounted to the frame (emphasis added). It is suggested the word “second” be changed to – third --- as to





the third intermediate roll is the one that is mounted for vertical motion on the frame (see element 44 or 45 in fig. 1).

Regarding claim 21, line 24, the recitation "at least one second intermediate roll" is confusing and unclear because it is not clear whether this second intermediate roll is referring to the second intermediate roll as claimed in line 15 or to a different second intermediate roll. If this "at least one second intermediate roll" is referring to another intermediate roll other than the first, second, and third intermediate rolls as claimed in lines 14-17, it is suggested that this "at least one second intermediate roll" be changed to -- a fourth intermediate roll -- in order to avoid confusion.

Regarding claim 21, line 25, the recitation "at least one second intermediate roll" is confusing and unclear because it is unclear whether this "at least one second intermediate roll" is referring to a second intermediate roll as claimed in line 15, at least one second intermediate roll as claimed in line 24 or to a different second intermediate roll. If this "at least one second intermediate roll" is referring to another intermediate roll other than the first (line 14), second (line 15), third (line 17), and at least one second intermediate roll (in line 24), it is suggested that this "at least one second intermediate roll" be changed to -- a fifth intermediate roll -- in order to avoid confusion.

Regarding claim 21, line 26, the limitation "each second intermediate roll" lacks clear antecedent basis because it is not clear whether this second intermediate roll is referring to one of the second intermediate rolls as claimed in the preceding line or to a different second intermediate roll. Clarification is required.



Regarding claim 21, line 32, there is insufficient antecedent basis for the limitation "the direction" in the claim.

Regarding claim 21, line 35, there is insufficient antecedent basis for the limitation "the direction" in the claim.

### ***Response to Arguments***

With regard to the argument filed December 20, 2006, the Applicant argued that neither Stotz nor Holopainen discloses an intermediate roll which is rotatable about an axis which is fixed with respect to the frame and lacking internal devices for loading or moving the roll shell, as amended in claim 9. This argument is found persuasive; therefore, the amended claim 9 contains allowable subject matter over Stotz and Holopainen. The rejection of claim 9 as set forth in the last Office action has been withdrawn.

### ***Allowable Subject Matter***

Claims 9-17 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112, second paragraphs as set forth above.

Note that claim 21 have not been rejected over prior art. However, in view of the issues under 35 USC 112, first and second paragraphs rejections as set forth above, the allowability of the claim can not be determined at this time.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 9 would be allowable because the art of record, considered alone or in combination, neither anticipates nor renders obvious a multi-nip calender comprising: *the first*,



*the second, and the third intermediate rolls lacking internal devices for loading and moving rolls shell, wherein the second intermediate roll being rotatable about an axis which is fixed with respect to the frame, in combination with the rest of the claimed limitations.*

US 4,736,678 to Stotz and US 6,129,011 to Cramer, each discloses a multi-nip calender having an intermediate roller (see (12(2)) of Stotz and (6) of Cramer). These rollers are rotatable about an axis that is fixed with respect to the frame. However, these rollers are having internal devices. Stotz and Cramer do not suggest and disclose that the intermediate roller can be a type of roller that lacks internal devices. Therefore, Claim 9 contains allowable subject matter over Stotz and Cramer.

US 6,305,280 to Beckers discloses a calender having a set of rolls, the set of rolls having two intermediate rolls (5 and 10) that are fixedly mounted on the frame (16). The first fixed intermediate roll (5) is positioned right under the first roll (4) that has internal loading device, and the second fixed intermediate roll (10) is positioned between another intermediate roll (i.e. 7) and the last roll (13) but the second fixed intermediate roll (10) is having internal device (see col. 5, line 57, i.e. "sag compensation"). Therefore, Beckers fails to disclose the calender in a structural arrangement as claimed in claim 9.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO



MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

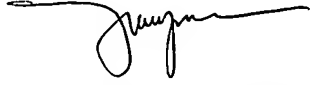
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T. Nguyen whose telephone number is (571) 272-4520. The examiner can normally be reached on Monday-Thursday 7:30am-5:00pm with alternating Friday 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272- 4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JTNguyen  
February 28, 2007

  
JIMMY T. NGUYEN  
EXAMINER - AU 3725